

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN DIANE RICE**, on February 6, 2007 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 379, HB 435, HB 449, HB 453, HB 486, 1/4/2007
Executive Action: HB 306, HB 323, HB 334, HB 370, HB 375, HB 382, HB 402

HEARING ON HB 449

Opening Statement by Sponsor:

00:01:24 Rep. JP Pomnichowski (D), HD 63, opened the hearing
on HB 449, Reclassify buprenorphine.

Proponents' Testimony:

00:04:00 Bill Sybrant, Compliance Officer, Montana Board of
Pharmacy

00:04:53 Jim Smith, Montana Hospital Association

Opponents' Testimony: None

Informational Testimony:

00:05:28 Mark Cadwallader, Attorney, Montana Department of Labor
and Industry

Questions from Committee Members and Responses:

00:05:59 Rep. Koopman

00:06:23 Mr. Sybrant

Closing by Sponsor:

00:07:47 Rep. Pomnichowski

HEARING ON HB 435

Opening Statement by Sponsor:

00:08:21 Rep. John Parker (D), HD 23, opened the hearing on HB
435, Prohibit criminals from profiting from their own
crime.

Proponents' Testimony:

00:10:09 Brant Light, Cascade County Attorney

00:13:40 Jim Smith, Montana County Attorneys Association

00:14:00 Ali Bovington, Assistant Attorney General, Department
of Justice, State of Montana

00:15:14 Mike Mahoney, Warden, Montana State Prison

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:16:20 Rep. Everett
00:16:32 Mr. Light
00:17:07 Rep. O'Hara
00:17:23 Mr. Light
00:18:28 Rep. Stoker
00:18:42 Mr. Mahoney
00:20:36 Rep. Driscoll
00:20:47 Mr. Mahoney
00:20:59 Rep. Raser
00:21:21 Rep. Parker
00:23:23 Rep. Peterson
00:24:12 Mr. Light
00:24:44 Ms. Bovington
00:28:18 Rep. Parker
00:31:06 Rep. Kottel
00:31:42 Rep. Parker
00:35:12 Rep. Rice
00:35:33 Mr. Light

Closing by Sponsor:

00:36:50 Rep. Parker

HEARING ON HB 486

Opening Statement by Sponsor:

00:37:30 Rep. Bill Beck (R), HD 6, opened the hearing on HB 486,
Revise requirements for motor vehicle liability
insurance.

[**EXHIBIT\(juh26a01\)**](#)

Proponents' Testimony:

00:42:33 Dean Roberts, Administrator, Motor Vehicle Division,
Department of Transportation, State of Montana

Opponents' Testimony:

00:48:56 Roger McGlenn, Executive Director, Independent
Insurance Agents of Montana
00:52:58 Rhonda Wiggers, Montana County Treasurers Association
00:54:07 Joseph Tornberg, American International Group

Informational Testimony: None

Questions from Committee Members and Responses:

00:55:44 Rep. Gallik
00:56:49 Rep. Beck
00:57:55 Rep. McGillvray
00:58:59 Mr. Roberts

Closing by Sponsor:

01:00:41 Rep. Beck

HEARING ON HB 453

Opening Statement by Sponsor:

01:03:16 Rep. Brady Wiseman (D), HD 65, opened the hearing on HB 453, Citizen data protection act.

[EXHIBIT\(juh26a02\)](#)

Proponents' Testimony: None

Opponents' Testimony:

01:10:02 David Gibson, President, Qwest of Montana
01:14:29 Mark Baker, Bresnan Communications, Attorney, Anderson & Baker

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:22 Rep. Stoker
01:18:31 Rep. Wiseman
01:22:19 Rep. McGillvray
01:24:32 Mr. Gibson
01:25:07 Rep. Kottel
01:26:02 Rep. Wiseman
01:27:09 Rep. Koopman
01:28:11 Rep. Wiseman
01:31:17 Rep. Rice
01:31:34 Rep. Wiseman

Closing by Sponsor:

01:32:04 Rep. Wiseman

01:33:04 Break
01:49:07 Reconvene

HEARING ON HB 379

Opening Statement by Sponsor:

01:49:31 Rep. Gary MacLaren (R), HD 89, opened the hearing on HB 379, Apply risk designation to registered but undesignated sex offenders.

Proponents' Testimony:

01:51:37 Mike Ferriter, Director, Department of Corrections, State of Montana

01:54:08 Diana Koch, Chief Legal Counsel, Department of Corrections, State of Montana

Opponents' Testimony: None

Informational Testimony:

02:03:29 Ali Bovington, Assistant Attorney General, Department of Justice, State of Montana

Questions from Committee Members and Responses:

02:08:43 Rep. Kottel

02:09:08 Ms. Bovington

02:13:33 Rep. Everett

02:14:00 Ms. Koch

02:16:56 Rep. Gallik

02:18:57 Ms. Bovington

02:20:51 Rep. Stoker

02:21:18 Ms. Koch

02:22:25 Ms. Bovington

02:22:52 Rep. Peterson

02:23:13 Rep. MacLaren

02:25:18 Ms. Bovington

02:27:03 Rep. Kottel

02:28:00 Ms. Bovington

02:30:05 David Niss, Legislative Services

02:31:14 Ms. Koch

Closing by Sponsor:

02:32:25 Rep. MacLaren

Conversation regarding Fiscal Note on HB 68:

02:33:03 Rep. Rice
02:34:08 Rep. Kottel
02:35:12 Mr. Niss
02:35:17 Rep. Kottel

SUB-COMMITTEE REPORT ON HB 217:

02:35:54 Rep. Peterson

EXECUTIVE ACTION ON HB 306

02:37:39 **Motion:** Rep. Jore moved that **HB 306 DO PASS.**

Discussion:

02:37:51 Rep. Jore
02:39:50 Rep. French
02:40:11 Rep. Kottel
02:44:23 Rep. Rice
02:44:41 Rep. Jore
02:49:24 Rep. Peterson
02:52:24 Rep. Koopman
02:53:47 Rep. Raser
02:54:17 Rep. Jore
02:54:56 Rep. Cordier
02:56:59 Rep. Gallik
02:58:25 Rep. Peterson
03:00:02 Rep. Stoker
03:00:54 Rep. Jore
03:01:23 Rep. Ebinger
03:01:57 Rep. Jore
03:02:28 Rep. French
03:02:58 Rep. Raser
03:03:37 Rep. Jore
03:04:50 Rep. Peterson
03:05:43 Rep. Jore

03:07:05 **Vote:** Motion that **HB 306 DO PASS** carried 10-7 by roll call vote with Reps. French, Raser, Cordier, Driscoll, Kottel, Ebinger, and Gallik voting no.

03:07:48 Rep. French

EXECUTIVE ACTION ON HB 323

03:08:32 **Motion:** Rep. McGillvray moved that **HB 323 DO PASS.**

03:09:02 **Motion:** Rep. Gallik moved that **HB 323 BE AMENDED.**
EXHIBIT(juh26a03)

Discussion:

03:09:23 **Substitute Motion:** Rep. Gallik made a substitute motion for **HB 323** to **SEGREGATE SECTIONS 1 AND 2 FROM 3, 4 AND 5.**

Discussion:

03:15:31 **Vote:** Motion that **HB 323 BE AMENDED** with **SEGREGATED SECTIONS 3, 4 AND 5** carried unanimously by voice vote.

03:15:57 **Motion:** Rep. McGillvray moved that **HB 323 DO PASS AS AMENDED.**

03:16:17 **Motion/Vote:** Rep. Ward moved that **HB 323 BE AMENDED** (with amendment from hearing, 1/31/07). Motion carried unanimously by voice vote.

03:17:56 **Motion:** Rep. Stoker moved that **HB 323 DO PASS AS AMENDED.**

Discussion:

03:18:11 **Motion:** Rep. Gallik moved that **HB 323 BE AMENDED** with a conceptual amendment, "exemptions".
EXHIBIT(juh26a04)

Discussion:

03:19:51 Rep. Everett
03:20:08 Rep. Gallik
03:20:38 Steve Yeakel, Montana Funeral Directors Association
03:21:24 Rep. Raser
03:22:19 Rep. Kottel
03:22:36 Mr. Niss
03:24:04 Mr. Yeakel
03:24:48 Rep. Ebinger
03:25:22 Rep. Raser
03:26:16 Rep. Peterson
03:26:19 Rep. Gallik

03:26:55 **Vote:** Motion that **HB 323 BE AMENDED** with a conceptual amendment "exemptions" carried unanimously by voice vote.

03:27:12 **Motion:** Rep. Stoker moved that **HB 323 DO PASS AS AMENDED.**

Discussion:

03:27:24 Rep. McGillvray

03:28:58 Rep. French

03:30:46 Rep. Peterson

03:32:14 Rep. Koopman

03:33:17 **Vote:** Motion that **HB 323 DO PASS AS AMENDED** failed 7-10 by roll call vote with Reps. French, Cordier, O'Hara, Ward, Ebinger, Gallik, and Rice voting aye.

03:34:10 **Motion/Vote:** Rep. Ward moved that **HB 323 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 334

03:35:14 **Motion:** Rep. McGillvray moved that **HB 334 DO PASS.**

03:35:56 **Motion:** Rep. Cordier moved that **HB 334 BE AMENDED.**
EXHIBIT(juh26a05)

Discussion:

03:36:11 Rep. Cordier

03:37:30 Rep. Rice

03:38:19 Mr. Niss

03:38:57 **Vote:** Motion that **HB 334 BE AMENDED** carried unanimously by voice vote.

03:39:05 **Motion:** Rep. Stoker moved that **HB 334 DO PASS AS AMENDED.**

Discussion

03:39:24 Rep. Kottel

03:40:27 Rep. Gallik

03:42:29 Rep. Kottel

(Rep. Raser absent from room.)

03:45:08 **Vote:** Motion that **HB 334 DO PASS AS AMENDED** carried 16-1 by roll call vote with Rep. Gallik voting no. Rep. Raser voted by proxy.

(Rep. Raser re-enters room.)

EXECUTIVE ACTION ON HB 370

03:46:08 **Motion:** Rep. McGillvray moved that **HB 370 DO PASS.**

03:46:25 **Motion:** Rep. Kottel moved that **HB 370 BE AMENDED.**
EXHIBIT(juh26a06)

Discussion:

03:46:53 Rep. Kottel

03:47:00 Mr. Niss

03:49:25 Rep. Stoker

03:49:44 Rep. Kottel

03:51:03 **Vote:** Motion that **HB 370 BE AMENDED** carried unanimously by voice vote.

03:51:10 **Motion:** Rep. Stoker moved that **HB 370 DO PASS AS AMENDED.**

Discussion:

03:51:16 Rep. French

03:51:54 Rep. Kottel

03:52:07 Rep. Peterson

03:53:35 Rep. O'Hara

03:54:09 Rep. Koopman

03:54:42 **Substitute Motion/Vote:** Rep. Stoker made a substitute motion that **HB 370 BE TABLED**. Substitute motion carried 12-5 by voice vote with Reps. Cordier, Driscoll, Ebinger, Kottel, and Raser voting no.

EXECUTIVE ACTION ON HB 375

03:55:31 **Motion:** Rep. McGillvray moved that **HB 375 DO PASS**.

03:56:09 **Motion/Vote:** Rep. McGillvray moved that **HB 375 BE AMENDED**. Motion carried unanimously by voice vote.

EXHIBIT (juh26a07)

03:57:14 **Motion:** Rep. Stoker moved that **HB 375 DO PASS AS AMENDED**.

Discussion:

03:57:28 Rep. Ebinger

03:58:43 Rep. Kottel

04:03:29 Rep. French

04:04:25 Rep. McGillvray

04:06:15 Rep. Gallik

04:07:04 Rep. Raser

04:07:21 Rep. Peterson

04:08:12 **Vote:** Motion that **HB 375 DO PASS AS AMENDED** failed 3-14 by roll call vote with Reps. Jore, Kerns, and McGillvray voting aye.

04:09:14 **Motion/Vote:** Rep. Stoker moved that **HB 375 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 382

04:09:52 **Motion:** Rep. McGillvray moved that **HB 382 DO PASS**.

Discussion:

04:10:30 Rep. French

04:10:40 Rep. Kerns

04:10:50 **Vote:** Motion that **HB 382 DO PASS** failed unanimously by voice vote.

04:11:18 **Motion/Vote:** Rep. Cordier moved that **HB 382 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 402

04:11:42 **Motion:** Rep. Stoker moved that **HB 402 DO PASS**.

Discussion:

04:11:58 Rep. Peterson

04:12:15 **Vote:** Motion that **HB 402 DO PASS** carried 13-4 by voice vote with Reps. Everett, Jore, and Koopman voting no.

ADJOURNMENT

Adjournment: 12:12 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh26aad.pdf](#))